

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RICARDO SWIFT,)
)
Plaintiff,)
)
v.)
)
CAPTAIN JIMMIE RICHBURG, *et al.*,)
)
Defendants.)

Case No. 2:09-cv-00617-RDP-JEO

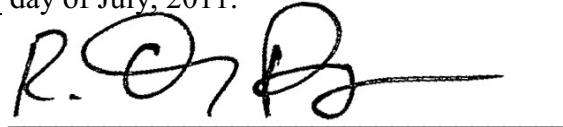
MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation on June 16, 2011, recommending that the special reports of Defendants Richburg, Wilson, Eldridge and Richardson be treated as a motion for summary judgment and, as such, that the motion be granted and the claims against these Defendants be dismissed with prejudice. The Magistrate Judge further recommended that the unserved Defendant, Eddie Washington, be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 4(m). Although the parties were advised of their right to submit specific objections to the Report and Recommendation within fifteen days, no objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and hereby is **ADOPTED** and his Recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that Defendants Jimmie Richburg, Melvin Wilson, LaKendric Eldridge and Dr. James Vincent Richardson are entitled to judgment as

a matter of law. Accordingly, the motion for summary judgment on behalf of these Defendants is due to be granted and all claims against them are due to be dismissed with prejudice.¹ The unserved Defendant, Eddie Washington, is due to be dismissed without prejudice, pursuant to Fed.R.Civ.P. 4(m). A Final Judgment will be entered.

DONE and **ORDERED** this 11th day of July, 2011.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

¹ Pending before the court is Defendant Richardson's motion to dismiss. (Doc. #54). The motion is due to be and hereby is **DENIED** as **MOOT**.